

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM L. SMITH,	:	
	:	
Petitioner	:	CIVIL NO. 1:CV-15-0787
vs.	:	
	:	(Judge Caldwell)
KENNETH CAMERON, <i>et al.</i> ,	:	
	:	
Respondents	:	

M E M O R A N D U M

On April 3, 2015, Petitioner, William L. Smith, an inmate at the state correctional institution in Houtzdale, Pennsylvania, filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Following a jury trial, Smith was convicted in 2007 in the Court of Common Pleas of Perry County, Pennsylvania, of various sex offenses involving minors. He was sentenced to a term of fourteen and one-half years to thirty-seven years' incarceration. (Doc. 1, Pet.)

On May 27, 2015, this court undertook a preliminary review of the Petition and concluded it was time-barred. We set forth our analysis in a memorandum. See *Smith v. Cameron*, 2015 WL 3409057 (M.D. Pa.). We gave the parties an opportunity to address the timeliness issue. Smith did not file a brief or other response challenging the court's determination that his habeas petition is time-barred, and the time for doing so has now expired. For the reasons set forth in the May 27, 2015, memorandum, Smith's habeas corpus petition will be denied as untimely.

We must decide whether to grant a certificate of appealability. Under 28 U.S.C. § 2253(c)(2), a “certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right.” For the reasons stated in the May 27, 2015, memorandum, Smith has not made such a showing. Therefore, a certificate of appealability will not issue. However, Smith is advised that he has the right for thirty (30) days to appeal our order denying his § 2254 motion, see 28 U.S.C. § 2253(c) and Fed. R. App. P. 4(a)(1)(A), and that our denial of a certificate of appealability does not prevent him from doing so, as long as he also seeks, and obtains a certificate of appealability, from the court of appeals. See Fed. R. App. P. 22.

An appropriate order follows.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge

Date: August 3, 2015